



**The Sikkim Allotment of House Sites and Construction of Building  
(Regulation and Control) Act, 1985**

Act 11 of 1985

**Keyword(s):**

Allotment, Building, Family, Notified Green Belt, Salami

Amendments appended: 16 of 2000, 8 of 2001, 6 of 2007

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**THE SIKKIM ALLOTMENT OF HOUSE SITES AND  
CONSTRUCTION OF BUILDING (REGULATION  
AND CONTROL) ACT 1985.  
( ACT NO. 11 OF 1985 )  
AN ACT**

[ 28.6.85 ]

to provide for the allotment of house sites, regulation of construction, alteration and repair of buildings in Sikkim and for matters connected therewith.

Whereas house site's have been allotted without consulting the Sikkim Public. Works Department and other concerned Departments;

Whereas such allotment of sites have resulted in encroachment of septic, water supply tanks, land within compound of Government quarters, within the notified green belt and effecting and likely to cause land slides during monsoons; and

Whereas it is expedient to bring about an equitable and proper distribution of house sites and promote planned, organized and systematic growth of towns and bazaars in the State of Sikkim and matters connected therewith.

Be it enacted by the Legislative Assembly of Sikkim in the Thirty-sixth Year of the Republic of India as follows:

## **CHAPTER 1**

1. (1) This Act may be called the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:

(a) "allotment" means allotment of sites for construction of building for the purpose of residence, commerce, residential-cum-commercial or any other trade or industry;

(b) "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall, not exceeding ten feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, and includes any temporary shed erected on ceremonial or festive occasions;

(c) "family" means father, mother and their minor children and includes major children living jointly with the parents.

(d) "Government" means the Government of Sikkim in the Local Self Government and Housing Department and includes such other officers of the said Department and of any other Department as may be authorised by the Government for carrying out the purposes of this Act.

(e) "notified area" means any area notified for purposes" of Chapters II and III of this Act;

(f) "notified green belt" means the green belt area notified by the Government vide notification No.6 *ILSGHD* dated the 10th April, 1982 and "includes such other area, which may be so declared by the Government, by notification, from time to time;

(g) "notification" means a notification published in the Official Gazette;

(h) "person" means any individual and includes any member of the family, any society or association of persons, whether incorporated or not, and all legal and juristic persons;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "salami" means the amount payable by a person for allotment of a site under the provisions of this Act but does not include ground rent or other rates. taxes or fees payable under this Act or, any, other law in force in this State.

## CHAPTER II

3. (1) The Government shall, from time to time, by notification, declare any area as a notified area for the purposes of this Act.

(2) The Government shall, within six months but not later than one year from the date of commencement of this Act, prepare a plan indicating the area

(i) for residential purposes

(ii) for commercial purposes;

(iii) for residential-cum-commercial purposes;

(iv) for industrial purposes

(v) for public and semi-public open places, parks, play grounds and Community Hall.

- (3) The Government shall indicate and specify sites for residential, commercial and industrial purposes.
  - (4) The Government shall publish within fifteen days from the preparation of such plan with details as mentioned in sub-section (2), by notification, and in such other manner as may be specified in this behalf.
4. (1) The Government may allot sites on application made by any persons in such form and in such manner as may be prescribed.
- (2) An allottee shall pay such salami as may be notified by the Government, from time to time.
  - (3) The Government shall, by notification, fix different rates of salami for purposes of allotment on the basis of the area, user and location.
5. (1) All allotments in which the registration whether complete or not and those falling under the notified green belt shall stand cancelled.

*Explanation:*

Allotments for purpose of sub-section (1) mean allotments of house sites on which construction is not completed.

(2) The salami paid by the allottee shall be refunded within one month from the date of commencement of this Act.

- (3) Subject to section 6 such of the allottees whose sites have been cancelled under sub-section (1) shall be given preference for allotment of sites in notified area as notified under sub-section (3) of section 3 if an application is made to that effect.
- (4) The sites allotted under this Act may be cancelled on grounds of fraud, misrepresentation of facts or bonafide mistake:

Provided that no order of cancellation shall be made, unless the person concerned has been given an opportunity of making representation.

**CHAPTER III**

6. The Government shall not allot more than one site to one family in the State.
7. (1) No construction shall be undertaken in any notified area without obtaining the prior permission. of the Government.
- (2) The Government shall make regulations regulating ,the construction *of* building in any notified area.
- (3) While granting permission for construction of buildings, the Government shall give due consideration to the cultural and traditional values of the people of Sikkim.
- (4) All permissions for the construction of buildings which are obtained prior to the commencement of this Act shall stand cancelled.
8. The Government may demolish any construction or building which have been commenced, continued or completed in contravention *of* the provisions of the Act or the regulations made thereunder.
9. (1) If at any time it appears to the State Government that any structure in any notified area (including under this expression any building, wall or other structure and anything affixed to or projecting from any building, wall or other structure) is found unsafe for human habitation or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structures or place in the neighborhood thereof the State Government may, by a written notice of not less than seven days, require the owner or occupier
  - (a) to demolish or to repair such structure in such manner as may be specified in the notice; or
  - (b) to repair protect or enclose such structure in such . manner as may be specified in the notice.
- (2) Where it appears 'to the State Government that immediate action-is. necessary for the purpose of preventing imminent danger to any person or property, it shall be the duty of the State Government itself to

take such immediate action; and in such case it shall not be necessary for the State Government to give notice, if it appears to it that the object of taking immediate action shall be defeated by the delay incurred in giving notice.

- (3) Where any owner or occupier fails to comply with the notice served upon him, the State Government may demolish or remove such structure or fixture under sub-section (1) or sub-section (2) and recover the expenses of such demolition or removal from the owner or occupier, as the case may be.
10. If, upon considering the facts and circumstances of a case, the Government is satisfied that any building already constructed before the commencement of this Act in contravention of the existing laws, rules, notifications, orders or directions and does not fall under the notified green belt, it may pass order for regularization of such construction on payment of such fees as may be fixed by the Government by notification In this behalf.

#### **CHAPTER IV**

11. Without prejudice to any other actions to be taken under the provisions of this Act, any person who contravenes the provisions of this Act or rules, regulations, notifications, orders or directions issued thereunder, shall be punishable with a simple imprisonment not less than six months or with a fine not less than rupees five hundred or with both.
12. All offences under this Act or rules or regulations made thereunder shall be cognizable and shall be triable by a Judicial Magistrate of the First Class.
13. All complaints shall be filed by an Officer not below the rank of an Under Secretary to the Government after obtaining the approval of the Government.
14. All complaints shall be filed within one year from the date of an offence.
15. No action, civil or criminal shall lie against, any officer of the Government for anything which is in good faith done or intended to be done in pursuance of this Act or rules or regulations made thereunder.

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| 16.           The, State Government may, by notification, in the<br>. Official Gazette, make rules to carry out the purposes of this Act.  | <i>.Power to make<br/>rules.</i>                       |
| 17.           The State Government. may, by notification, in the<br>Official Gazette, make regulations regulating constructions of<br>buildings and all other connected matters.   | <i>Power to make<br/>regulations.</i>                  |
| 18.           All bye-laws rules, regulations and notifications in force<br>concerning constructions of buildings shall continue to be in force<br>as though they are regulations made under this Act till they are<br>altered, amended or varied. | <i>Present Rules and<br/>Bye-laws to<br/>continue.</i> |



# SIKKIM

GOVERNMENT



GAZETTE

## (EXTRAORDINARY) PUBLISHED BY AUTHORITY

Gangtok ,

Saturday 1<sup>st</sup> July, 2000

No . 228

### GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK.

No.16/LD/2000

Dated : 30/06/2000

### NOTIFICATION

The Following Act of the Sikkim Legislative Assembly having received the assent of the Government on 28<sup>th</sup> day of June 2000 is hereby published for general information.

#### **THE SIKKIM ALLOTMENT OF HOUSE SITES AND CONSTRUCTION OF BUILDING REGULATION AND CONTROL AMENDMENT ACT, 2000 (ACT NO. 16 OF 2000) AN ACT**

further to amend the sikkim allotment of house sites and construction of building (regulation and control act , 1985.

Be it enacted by the Legislature of Sikkim in the Fifty first year of the Republic of India as follows:-

**Short title  
Extent and  
commencement**

1. (1) This Act may be called the Sikkim Allotment of House Sites and Construction or Building (Regulation and Control Amendment Act. 2000.  
(2) it extends to the whole of Sikkim.  
(3) it shall come into force at once.

**Amendment of  
Section 2**

2. In the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (hereinafter referred to as the principal Act), in section 2:-

(a) in clause (c), after the word “means “ and before the word ‘father’ the words ‘husband , wife’ shall be inserted:

(b) in clause (d), for the words ‘Local Self Government and Housing Department’ the words ‘ Urban Development and Housing Department’ shall be substituted:

(c) for clause (e), the following shall be substituted namely:-

“notified area” means any area whether Government or Private notified from time to time for the purpose of chapter II and III or this Act”

(d) In clause (j) after the words “ground rent” and before the words “or other rates” the following words shall be inserted , namely:-  
“or cost of the land”.

(e) after clause (j) , the following clauses shall be added , namely:-

“(k) “ lease deed “ means the lease deed executed between the allottee and the Government with regard to the allotted site for a specific period or time “.

“(l)” “Site” means the area allotted or a building or house within which shall be integrated all the amenities like septic tanks , water tanks, soakpits, staircase etc. including the area to be covered by the topmost widest chajja /hood.

#### **Amendment Of section 4.**

### **3. In the principal Act, in section 4:-**

(i) for sub section (1) , the following sub-section shall be substituted, namely:-

“(1) (a) The Government may allot a site to a person on application made by him in such form and in such manner as may be prescribed subject to fulfilment of the criteria laid down in the regulations where a site is actually available by the submission of an application alone does not confer any legal right to the applicant for allotment of a site.

(b) No Government servant who has not rendered regular service for a minimum period of 12 (twelve) years shall be eligible for allotment of a site.

(c) Persons already having a dwelling house in a private holding or otherwise in a particular town or bazaar shall not be eligible for allotment of site within any Urban area.

(ii) for sub-section (2), the following sub-section shall be substituted , namely:- “(2) An allottee shall pay such site salami and cost of land as may be notified by the Government from time to time”.

(iii) after sub-section(3), the following new sub-section shall be inserted, namely:-

(4) After the allotment of the site, the allottee shall get the lease deed registered in the office of the Registrar of the concerned district:

**Insertion of new  
Section 4 A.**

4. In the principal Act, after section 4, the following section shall be inserted namely:-

“4A allotment of site acquired for public purpose:-

Where a site acquired for a public purpose is proposed to be allotted for a private purpose, such an allottee shall deposit such amount of charges as may be ascertained by the Government towards the cost of the land and such an area also shall be held as lease hold”.

**Insertion of  
Section 5.**

5. In the principal Act, in section 5, in sub-section(1) , after the word “registration a” and before the word “whether” the words “of lease deed” shall be inserted.

**Amendment  
Of section 7**

6. In the principal Act, in section 7:-
- (i) In sub-section(1), after the words “notified area” and before the words “without obtaining”, the words “whether Government” or private holdings’ shall be inserted;
- (ii) in sub-section (2) , after the words “notified area” the words “whether Government or private” shall be added;
- (iii) in sub-section(3), after the words “Government shall” the following shall be substituted, namely:- “ensure that the roofing of a house and its all round elevation shall be in traditional style”.

**Amendment  
Of section 11.**

7. In the principal Act, in section 11, for the words “five hundred” , the words “five thousand” shall be substituted.

**By order of the Governor.**

**T.D.Rinzing  
Secretary to the Govt. of Sikkim  
Law Department.  
F.No. 16(82) LD/2000**

# SIKKIM

GOVERNMENT



GAZETTE

**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

Gangtok

Monday,

12<sup>th</sup> November, 2001

No 410

**GOVERNMENT OF SIKKIM**

**LAW DEPARTMENT**

NO.09/LD/2001

dated 12.11.2001

## **NOTIFICATION**

The following Act of the Sikkim Legislation Assembly having received the assent of the Governor on 5th day of November, 2001 is hereby published for general information:-

**THE SIKKIM ALLOTMENT OF HOUSE SITES AND CONSTRUCTION OF BUILDINGS (REGULATION AND CONTROL) AMENDMENT ACT, 2001**  
**ACT NO.8 OF 2001**  
**AN**

## **ACT**

**Further to amend the Sikkim allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985.**

Be it enacted by the Legislature of Sikkim in the Fifty-Second Year of the Republic of India as

Short title, follows:-

Extent and com- 1. (1) This Act may be called the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control )  
Amendment Act, 2001.

(2) it extends to the whole of Sikkim.

(3) it Shall come into force at once.

Insertion of 2. In the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (hereinafter

referred to as the said Act), in section 7, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1-A). No Construction of any building or structure of any height shall be undertaken without provision for earthquake resistance system.

The State Government shall make necessary regulation prescribing The required structural designs on this behalf”

Amendment Section 11 3. In the said Act ,in section 11 for the words five hundred the words three thousand shall be substituted.

Repeal and Saving 4.(1) The Sikkim Allotment of House Sites and Construction of building (regulation and control) Amendment Ordinance 2001(ordinance No.7 of 2001) is hereby repeated.  
(2)Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provision of this Act.

By Order

**T.D.Rinzing**  
**Secretary to the Govt of Sikkim,**  
**Law Department**

**F.No.16(82)LD/2001**

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 16<sup>th</sup> day of April, 2007 is hereby published for general information:-

**THE SIKKIM ALLOTMENT OF HOUSE SITES AND CONSTRUCTION OF  
BUILDING (REGULATION AND CONTROL) AMENDMENT ACT, 2007**

**(ACT No. 6 of 2007)**

**AN  
ACT**

further to amend the Sikkim Allotment of House Sites and Construction of Building  
(Regulation and Control) Act, 1985.

**Be** it enacted by the Legislature of Sikkim in the Fifty-eighth Year of the Republic of India.

Short title, Extended and Commencement	1.	(1)	This Act may be called the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Amendment Act, 2007.
		(2)	It extends to the whole of Sikkim.
		(3)	It shall come into force at once.
Amendment of Section 4.	2.		In the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985, in sub-section (1) of Section 4, after the clause (b), the following clause shall be inserted, namely:-

“(c) The Government shall reserve 3% reservation to the disabled person for allotment of house sites prospectively”.

**By Order**

**R.K. Purkayastha (SSJS)**

**LR-cum-Secretary**

**Law Department**

**SIKKIM**

**GOVERNMENT**



**GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

<b>Gangtok</b>	<b>Tuesday</b>	<b>1<sup>st</sup> May, 2007</b>	<b>No. 165</b>
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**LAW DEPARTMENT  
GOVERNMENT OF SIKKIM  
GANGTOK**

**No. 11/LD/P/07**

**Date: 01.05.2007**

**NOTIFICATION**

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 16<sup>th</sup> day of April, 2007 is hereby published for general information:-